FILED: 6/19/2024 9:32 AM
Vermont Superior Court
Environmental Division
24-ENV-00049

STATE OF VERMONT

Vermont Superior Court

Town of Berlin, Vermont Plaintiff	)	Environmental Division Case No. 24-ENV-00049
v.	)	
Harr, LLC d/b/a Berlin Mobile Home Park Defendant	)	

MOTION TO CONTINUE

NOW COMES the undersigned, Stephen J. Craddock, Esq., who hereby moves this Honorable Court to continue the hearing on Plaintiff's Motion for Preliminary Injunction set for Friday, June 21st at 2:30 p.m.

The undersigned was contacted about this matter on Monday, June 17th, the same day that Defendant was served with the Summons and Complaint in this matter. I met with Randy Rouleau, the manager of Harr, LLC d/b/a Berlin Mobile Home Park, yesterday, June 18th. In addition to my unavailability on this Friday, 3 days' notice of this hearing is woefully insufficient for me to adequately prepare for this hearing.

Plaintiff filed this action after Defendant poured a new concrete pad for a new mobile home to replace an old mobile home at the Berlin Mobile Home Park. Defendant is willing to agree to not pour any more concrete at the Berlin Mobile Home Park until this Court can rule on Plaintiff's Motion for Temporary Injunction.

Finally, contrary to Plaintiff's assertion, there is no immediate danger of any harm or loss to *Plaintiff*. Plaintiff's claim of harm and loss is dubious. While many owners of mobile homes in this park did suffer major damage to their homes due to the catastrophic flooding, and not due to any act or omission by Defendant, they did receive compensation for their losses. This compensation did not, however, come from Plaintiff. Furthermore, it should be noted that Defendant is losing $20,000.00 per month for each month it is unable to restore its mobile home park and Defendant has *not* received any compensation for his staggering economic loss.

Even the claim of loss of eligibility for flood insurance or other disaster relief for failure to regulate development in the Special Flood Hazard Area is purely conjecture. There was no failure to regulate development in the Special Flood Hazard Area as this mobile home park was not subject to the Special Flood Hazard Area development requirements outlined in the Town of Berlin Land Use & Development Regulations approved by the voters on March 5, 2019 and amended June 6, 2022 as Defendant's mobile home park is grandfathered as it has been in existence since the 1960's.

The concrete pad that was poured is not habitable and if there is further catastrophic flooding of this area, it is hard to imagine how a concrete pad would create a hazard for anyone as any floodwaters would most likely simply flow over the concrete pad.

WHEREFORE, the undersigned respectfully requests this Honorable Court reset this hearing for no sooner than 45 days from today in order to allow Defendant an adequate opportunity to prepare for the hearing.

DATED at Berlin, Vermont, this 19th day of June 2024.

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